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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,363	07/15/2008	John Wentworth Bucknell	FISHER-J	3191
79341 7590 05/18/2011 KRUGLIAK, WILKINS, GRIFFITHS & DOUGHERTY CO, LPA 4775 MUNSON STREET N.W. P.O. BOX 36963 CANTON, OH 44735-6963				
EXAMINER				
PICKARD, ALISON K				
ART UNIT		PAPER NUMBER		
3674				
MAIL DATE		DELIVERY MODE		
05/18/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,363

Applicant(s)

BUCKNELL, JOHN WENTWORTH

Examiner

ALISON PICKARD

Art Unit

3674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-856)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date ____
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8-25-06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No foreign patents have been received.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Due to the wording of claim 1, it is unclear if the claim is requiring the sealing faces to be convergent or the body and the thrust member to have convergent sealing faces. Clarification is needed. For examination purposes, the claims will interpreted that the seal has the convergent faces. *Note: if Applicant meant that the thrust member and body have the convergent faces, this will create 112 1st issues for some of the claims. For example, there would not be support/description for claim 5. Again, clarification is required.
5. Claim 7 lacks antecedent basis for the phrase "the porous body" (check dependency of the claim). Claim has been examined as if it depends from claim 6.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucknell (6,494,465).

Bucknell discloses a device having an annular seal with opposed sealing faces urged into engagement with a body and thrust member 21/22. The seal faces of lips 28 and 29, for example, are convergent and urged into sealing engagement with pressure.

8. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (2,360,731).

Smith discloses a device having an annular seal 3 with opposed sealing faces urged into engagement with a body and thrust member 5/1. The seal 3 has convergent sealing faces and a rounded heel which rolls under pressure (see Figures 3-6).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bucknell in view of Janian (6,419,236).

Janian teaches a similar sealing device with a seal having lips engaged between two elements. Janian teaches using a spring clip 36/37 to further urge the lips into engagement, thus improving the sealing ability. The spring is considered retained in the member (e.g. the thrust member) that holds the seal. It bears against a non-sealing face. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the spring clip of Janian to further urge the lips into sealing contact with the members and improve the seal.

11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bucknell in view of Greer (5,349,894) in view of Sciallo (5,632,297)

It is unclear if Bucknell includes a pressure relief valve. However, Greer teaches the use of a pressure relief valve 60 in a hydraulic device to allow fluid to bleed and prevent over-pressurizing. Greer teaches any type of relief valve can be used. Sciallo teaches a known pressure relief valve that includes a porous (e.g. sintered metal) element in the valve that allows the fluid and gas to bleed but prevents contaminants and particles from passing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made use a pressure relief valve to prevent over-pressurizing and to include a porous element that would keep particles and contaminants from passing through.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALISON PICKARD whose telephone number is (571)272-7062. The examiner can normally be reached on M-F (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Beach can be reached on 571-272-6988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alison K. Pickard/
Primary Examiner, Art Unit 3674

AP